

Regular Session, 2010

HOUSE BILL NO. 1334

BY REPRESENTATIVE LAMBERT

**VETOED**  
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**Veto Message**

AN ACT

To amend and reenact the heading of Subpart L of Part VII of Chapter 1 of Title 56 of the Louisiana Revised Statutes of 1950 and R.S. 56:638.1 through 638.5, to enact R.S. 56:6(32) and to repeal R.S. 56:57.2, as enacted by Act No. 283 of the 1987 Regular Session of the Legislature and as enacted by Act No. 891 of the 1987 Regular Session of the Legislature and R.S. 56:57.4, relative to fishery management, conservation, and sustainability; to provide that the Wildlife and Fisheries Commission is responsible for management of all fisheries in the state; to repeal the prohibition on state enforcement of federal laws relative to turtle excluder devices; to repeal the prohibition on state enforcement of federal laws relative to fish excluder devices; to provide for rulemaking authority; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The heading of Subpart L of Part VII of Chapter 1 of Title 56 of the Louisiana Revised Statutes of 1950 and R.S. 56:638.1 through 638.5 are hereby amended and reenacted and R.S. 56:6(32) is hereby enacted to read as follows:

§6. Special powers and duties; statistics; rules and regulations; reports

The commission, through its secretary:

\* \* \*

(32) May promulgate rules and regulations, subject to the provisions of the Administrative Procedure Act, to manage and collect harvest information for recreational landings of state and federal cooperatively managed species in coordination with the Gulf of Mexico Fishery Management Council, and to set seasons, times, places, quotas, daily take, possession limits, permitting, reporting procedures, landing requirements, tagging requirements and other rules and

1 regulations pursuant thereto necessary to manage and collect harvest information on  
2 recreational landings.

3 \* \* \*

4 SUBPART L. ~~SALTWATER~~ FISHERY CONSERVATION, ~~AND~~  
5 MANAGEMENT, AND SUSTAINABILITY

6 §638.1. ~~Saltwater fishery~~ Fishery conservation, ~~and management, and sustainability;~~  
7 legislative intent

8 Recognizing that there are ~~ever-increasing~~ ever-increasing numbers of both  
9 sport and commercial fishermen utilizing the waters of the state for recreational and  
10 commercial pursuits resulting in conflicts over limited space and competition for the  
11 same ~~saltwater~~ fish, and acknowledging that both the sport and commercial fishing  
12 industries are vital to the economy of the coastal region and the entire state, the  
13 ~~saltwater~~ fishery standards for conservation, ~~and management, and sustainability~~ of  
14 all species of ~~saltwater finfish~~ fish are hereby declared to be fair and in the best  
15 interest of the state.

16 §638.2. Findings

17 The state of Louisiana recognizes that:

18 (1) Its ~~saltwater finfish~~ fish resources are of great value and are renewable.  
19 These ~~saltwater finfish~~ fish resources make many contributions to the state including,  
20 but not limited to the food supply, economy, and health of the state and recreational  
21 opportunities. With proper regulations of the harvest by fishermen, coupled with  
22 protection and enhancement of their freshwater, saltwater, and estuarine habitat,  
23 Louisiana's ~~saltwater finfish~~ fish resources should be available to provide these  
24 benefits to the state indefinitely.

25 (2) As a consequence of increased fishing pressure ~~and~~ or other factors and  
26 because of the ~~inadequacy~~ limitations of fishery conservation, ~~and management, and~~  
27 sustainability practices, certain stocks of fish may have been or will become  
28 overfished.

29 (3) The future productivity of ~~saltwater finfish~~ fish resources may be  
30 seriously jeopardized as a consequence of the continued loss of Louisiana coastal

1 wetlands, or because of human actions affecting the functionality and value of the  
2 ~~coastal wetlands~~ state's aquatic ecosystems as ~~saltwater finfish~~ fish estuary and  
3 habitat.

4 (4) Both commercial and recreational fishing constitute a major source of  
5 employment and contribute significantly to the economy of the state. Many coastal  
6 areas are dependent upon such fishing and related activities and their economies have  
7 been damaged by pollution, habitat degradation, ~~and~~ or overfishing.

8 (5) ~~Saltwater finfish~~ Fish resources are finite but renewable. If timely placed  
9 under sound management, the fisheries can be conserved and maintained so as to  
10 provide optimum and sustainable yields on a continuing basis.

11 (6) A state program for the wise conservation, ~~and~~ management, and  
12 sustainability of the ~~saltwater finfish~~ fish resources of Louisiana is necessary to  
13 maintain plentiful fish populations, to prevent overfishing, to rebuild reduced stocks,  
14 to ~~insure~~ ensure conservation, and to realize their full potential.

15 (7) The safe development or improvement of fisheries that are not fully or  
16 properly utilized by the Louisiana commercial and recreational fishermen and fishing  
17 industries should help to assure that Louisiana benefits from the employment, food  
18 supply, recreation, and social and economic benefit that could be maintained or  
19 generated thereby, if pursued in such a fashion that is socially, scientifically,  
20 economically, anthropologically, and biologically sound for the state, the species,  
21 ~~and any related species, and their supporting ecosystems.~~

22 (8) A strong state program is necessary to advocate the importance of the  
23 functionality and value of Louisiana's waters and coastal wetlands as estuary and  
24 habitat for ~~saltwater finfish~~ fish resources, the social and economic value of these  
25 resources to the state and the nation, and the need to actively seek to avoid any net  
26 loss of this functionality and value.

## 1           §638.3. Purposes

2                   In order to implement the objectives and purposes of this Subpart, the  
3           commission shall:

4                   (1) Take timely action to conserve, ~~and manage, and protect~~ saltwater finfish  
5           fish species.

6                   (2) Promote the use of sound conservation, ~~and management, and~~  
7           sustainability principles in the regulation of commercial and recreational fishing.

8                   (3) Actively advocate, on behalf of the ~~saltwater finfish~~ fish constituency,  
9           improvement of or no net loss of the functionality and value of the ~~saltwater~~  
10          fisheries' habitat and estuary.

11                  (4) Provide for the preparation and implementation of fishery management  
12          plans, including plans for habitats, estuaries, and their supporting ecosystems, in  
13          accordance with this policy that will prevent overfishing and will achieve and  
14          maintain plentiful fish populations to ensure, on a continuing basis, the optimum  
15          yield from each fishery while ensuring their sustainability.

16                  (5) Recognize that ~~saltwater finfish~~ fish populations are subject to both  
17          natural and man-induced increases and decreases, and that changes in harvest levels  
18          may need to be recommended. If changes are required, these increases and decreases  
19          should be distributed among all fishermen in a fair and equitable manner that  
20          considers among other factors historical usage, ensuring that no historical user  
21          groups will be arbitrarily excluded.

## 22          §638.4. Policy

23                  The policy of the state of Louisiana is hereby declared to be the following:

24                  Stewardship of the state's ~~saltwater finfish~~ fish resources shall have as its  
25          utmost concern the continued health and abundance of the resource and its environs,  
26          shall provide for optimum sustained benefits to the state, shall be responsive to the  
27          needs of interested and affected citizens, shall ensure the proper and fair utilization  
28          of these resources for the citizens of the state in present and future generations, shall  
29          preserve the state's exclusive right to manage the fisheries within or beyond its  
30          jurisdiction, and shall be based on the best scientific and technical information

1 available. In addition, such stewardship of the state's ~~saltwater finfish~~ fish resources  
2 shall draw upon federal, state, and academic capabilities and promote efficiency in  
3 carrying out research, administration, management, and enforcement.

4 §638.5. ~~Saltwater fishery~~ Fish standards

5 The commission shall adopt such rules and regulations, consistent with the  
6 authority granted by this Chapter, and in accordance with the Administrative  
7 Procedure Act, for the harvesting, conservation, ~~and management,~~ and sustainability  
8 of all species of ~~saltwater finfish~~ fish, in accordance with the following standards:

9 (1) Conservation, ~~and management,~~ and sustainability measures shall prevent  
10 overfishing while achieving, on a continuing basis, the optimum yield while  
11 maintaining healthy, plentiful stocks. In fact, every effort will be made at all times  
12 to prevent a harvest from exceeding the safe upper limit of harvests which can be  
13 taken consistently year after year without diminishing the stocks so that the stock is  
14 truly inexhaustible and perpetually renewable.

15 (2) Conservation, ~~and management,~~ and sustainability measures shall be  
16 based upon the best scientific, economic, biological, anthropological, criminological,  
17 and sociological information available.

18 (3) To the extent practicable, an individual stock or unit of fish shall be  
19 managed as a unit throughout its range within the state's jurisdictional authority and  
20 interrelated stocks of fish and other ~~saltwater~~ natural resources shall be managed in  
21 close coordination while considering their ecosystems.

22 (4) If it becomes necessary to allocate or assign fishing privileges among  
23 various fishermen, such allocations to the extent practicable shall be:

24 (a) Fair and equitable to all such fishermen.

25 (b) Reasonably calculated to promote conservation.

26 (c) Carried out in such a manner that no particular individual, corporation,  
27 or other legal entity acquires an excessive share of such privileges.

28 (d) In the best interest of the citizens of Louisiana.

29 (5) Conservation, ~~and management,~~ and sustainability measures shall, where  
30 practicable, promote efficiency in the conservation and management of fishery

1 resources; except that no such measure shall have economic allocation as its sole  
2 purpose.

3 (6) Conservation, ~~and management,~~ and sustainability measures shall, where  
4 practicable, minimize costs and avoid unnecessary duplication.

5 (7) Conservation, ~~and management,~~ and sustainability measures may take  
6 into account and allow for variations among, and contingencies in, fisheries,  
7 resources, and catches.

8 Section 2. R.S. 56:57.2, as enacted by Act No. 283 of the 1987 Regular Session of  
9 the Legislature and as enacted by Act No. 891 of the 1987 Regular Session of the Legislature  
10 and R.S. 56:57.4 are hereby repealed in their entirety.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_

## **VETO MESSAGE**

House Bill 1334 by Representative Lambert would expand the authority of the Department of Wildlife and Fisheries to promulgate sustainability programs for both saltwater and freshwater fish resources. The bill also repeals the prohibition of the department enforcing certain federal laws which require the use of turtle excluder devices and fish excluder devices by commercial fishermen in Louisiana waters.

While the bill appears to be well intended, I am concerned that the stakeholders in the fishing communities and industry did not have sufficient time to give their input during the development of this bill due to the BP oil spill. Considering the overwhelming amount of challenges and issues currently facing our fishermen, it is my opinion that the stakeholders and the policy makers required more time to collaborate on sustainable legislation.

For this reason, I have vetoed House Bill No. 1334 and hereby return it to the House of Representatives.